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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 25 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued)

(E/CN.4/1994/L.17, 18 and 20-22; E/CN.4/1994/26, chapter I A, draft resolutions III and IV; chapter I B, draft decisions 7 and 9)

Draft resolution on the effects on the full enjoyment of human rights of the economic adjustment polices arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (E/CN.4/1994/L.17)

1. Mr. PACE (Secretary of the Commission) said that the delegation of Cameroon and the observers for Ethiopia, Iraq and Viet Nam had become sponsors of the draft resolution.

2. Mr. PEREZ NOVOA (Cuba), introducing the draft resolution on behalf of its sponsors, said that it was intended as a modest contribution to the efforts being made by the international community to resolve the foreign debt phenomenon in the developing countries. In its 1993 report, the World Bank had predicted that the foreign debt of those countries would, by the end of that year, attain the astronomical figure of US$ 1,770,065 million, an increase of $107,892 million over the previous year. In 1980, the Latin American and Caribbean region had owed $222,500 million in foreign debt; by 1990 that figure had nearly doubled. By 1992, the external debt of the Latin American and Caribbean region had reached $450,875 million and, according to the World Bank, that figure would have risen to $513,032 million in 1993.

3. Foreign debt was among the causes of and had helped to maintain the economic crisis that had stricken most developing countries, at a high cost to their social development. In developing countries, which accounted for nearly 80 per cent of the world's population, more than 70 per cent of the economically-active population was unemployed or underemployed; more than 1,000 million people lived in conditions of absolute poverty; 35 per cent of the population was illiterate; and 28 per cent lacked health services. According to a UNICEF study, more than 500,000 children died each year as a direct consequence of debt-linked problems.

4. The information requested in the draft resolution, combined with the efforts of the Working Group on the Right to Development, would contribute to the international community's efforts to solve the debt crisis.

5. There were several changes to be made to the text of the draft resolution. In the Spanish version only, the part of the sixth preambular paragraph following the word "atañen" should be revised to read: "a la persona humana para promover de manera effectiva todos sus derechos humanos". In operative paragraph 5, the text following the words "social repercussions" should be deleted and replaced by "of the policies being adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights". Operative paragraph 6 should be deleted. In operative paragraph 7, second line, the words "as well as" should be deleted and the words "as well as intergovernmental and non-governmental organizations" should be inserted after the words "financial institutions and specialized agencies" in the third line.

6. It was clear that all Governments, both in the South and in the North, needed to resolve the debt crisis and mitigate its pernicious effects on human life, development and trade relations. The text of the draft resolution had been discussed with all interested delegations, in a spirit of openness and flexibility and he hoped that it could be adopted by consensus.

7. The representative of the United States of America requested that the draft resolution be put to the vote.

8. At the request of the representative of Cuba, the vote was taken by roll-call.

9. Mauritania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Venezuela

Against: Australia, Austria, Canada, Finland, Germany, Hungary, Italy, Japan, Netherlands, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Bulgaria, Cyprus, France, Mauritius, Peru, Republic of Korea, Romania, Russian Federation, Uruguay

10. Draft resolution E/CN.4/1994/L.17, as orally revised, was adopted by 31 votes to 12, with 9 abstentions.

Draft resolution on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/1994/L.18)

11. Mr. PACE (Secretary of the Commission) said that the delegations of France, Hungary, Netherlands, Romania and Tunisia and the observers for Norway, Philippines, Senegal, Spain, Sweden, Switzerland had become sponsors of the draft resolution.

12. Mrs. SANTOS PAIS (Observer for Portugal), introducing the draft resolution on behalf of its sponsors, said that, as in previous years, the text reaffirmed the importance of the progress achieved by the international community with respect to existing standards in the field in question and the need to strengthen the implementation of those standards. There was one small change to be made in the text as distributed: at the beginning of operative paragraph 12, the words "Takes note with interest of" should be replaced by the word "Endorses".

13. The draft resolution took note of important developments that had occurred during the past year, as reflected in the Vienna Declaration and Programme of Action. It recognized the relevance of the forthcoming World Summit for Social Development, which would present a decisive opportunity for emphasizing the importance of human rights and addressing the problems of socially marginalized and disadvantaged groups.

14. The text underlined the vital role of the Committee on Economic, Social and Cultural Rights in ensuring the effective implementation of the International Covenant on Economic, Social and Cultural Rights and encouraging popular participation in the national consideration of periodic reports submitted to it by the States parties.

15. In the light of the work already carried out by the Committee on Economic, Social and Cultural Rights and the support for that work expressed at the World Conference, the text invited the Committee to report to the Commission on Human Rights, at its fifty-first session, on the steps taken for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting rights to individuals or groups to submit communications concerning non-compliance with the Covenant.

16. The draft resolution noted with interest the recommendations of the seminar on appropriate indicators to measure achievements in the realization of economic, social and cultural rights, took note of the important studies in the Sub-Commission on the content of economic, social and cultural rights and welcomed the work of the Centre of Human Rights as a coordinating focal point between human rights bodies and other bodies of the United Nations systems.

17. The draft resolution was the result of consultations between the delegations of various regional groups. She hoped, therefore, that it would be adopted by consensus.

18. Mr. KHOURY (Syrian Arab Republic) said that he would like some information on the Limburg Principles, referred to in the tenth preambular paragraph of the draft resolution, particularly concerning the body that had adopted those Principles and the date it had done so. Further details of the appropriate indicators mentioned in operative paragraph 7 would also be useful. In particular he wished to know whether the data for the indicators, which were to be used to measure progress in the realization of human rights, would be computerized.

19. Mr. TARBATABAEE (Islamic Republic of Iran) said that his delegation had no difficulty with the main thrust of the text, although it had not actually been consulted with regard to the contents of the draft resolution. There were a few minor amendments it wished to propose to various paragraphs and it had some other small problems with the text.

20. His delegation was not familiar with the conclusions and recommendations of the 1993 Geneva seminar, but it had some difficulty in recognizing the importance of using indicators as a means of measuring progress in the realization of economic, social and cultural rights (operative paragraph 7). It also had some difficulty regarding the convening of an expert seminar to verify the nature of States parties' obligations (operative paragraph 8).

21. He proposed the insertion of the words "and nations" after the words "needs of individuals" in the ninth preambular paragraph, and the words "strictly within the framework" after the words "relevant issues" in operative paragraph 2.

22. Mrs. SANTOS PAIS (Observer for Portugal) said that the Commission had adopted similar resolutions every year since 1988 by consensus and the current text contained only a few minor changes. The words "appropriate indicators" in operative paragraph 7 were not new to delegations, since they had been included in a resolution adopted by the Commission the previous year. Operative paragraph 7 of the current text was a combination of two paragraphs from the previous year's resolution but added no new elements.

23. The sponsors deemed it necessary to include a reference to the World Summit for Social Development in the text, since the question of human rights would occupy a crucial place there. The language used in the ninth preambular paragraph was, in fact, taken from the General Assembly resolution mentioned in its text.

24. As for operative paragraph 2, that text had been included in the resolutions adopted by the Commission since 1988 and she was rather surprised that a delegation which had accepted that wording in previous years should wish to amend it. Her delegation preferred the text as it stood but was open to a compromise.

25. Mr. VERGNE SABOIA (Brazil), supported by Ms. KUNADI (India) and Mr. JIN Yongjian (China), said that operative paragraph 8 created some problems for his delegation which found it difficult to comprehend a process that would define the nature of States parties' obligations but did not provide for any participation by those States parties. While the participation of experts could be useful, he had difficulty in accepting a

process that excluded the members of the Commission from participation in the exercise and hoped that the text could be amended to take account of his concern.

26. After an exchange of views between Mrs. SANTOS PAIS (Observer for Portugal) and Mr. VERGNE SABOIA (Brazil), the CHAIRMAN suggested that the delegation of Portugal should hold informal consultations with the parties concerned and inform the Commission at a later stage of their results.

Draft resolution on human rights and extreme poverty (E/CN.4/1994/L.20)

27. Mr. DAUFRESNE de la CHEVALERIE (France) introducing the draft resolution on behalf of its sponsors, said that it was based on the preliminary report submitted by the Sub-Commission's Special Rapporteur on the subject and was primarily concerned to support the efforts made by the poorest themselves to exercise their rights and participate freely in the development of the society in which they lived. He was sure that all delegations were concerned at the tragedy of extreme poverty and social exclusion which constituted a violation of human dignity. There was a definite need for an in-depth study of extreme poverty based on the experience and thoughts of the poorest themselves.

28. The text of the draft resolution had been updated to take account of several important events such as the World Conference on Human Rights, the International Year of the Family and the forthcoming World Summit on Social Development. He hoped that it would be adopted by consensus.

29. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Côte d'Ivoire, Netherlands, Tunisia and Uruguay and the observers for Argentina, Ireland and Zimbabwe had become sponsors of the draft resolution.

30. The resources required to implement the provisions of operative paragraphs 9 and 12 of the draft resolution were estimated at US$ 31,000 for 1994. A statement on the financial implications of the draft resolution would be submitted to the next session of the Economic and Social Council in the context of the Council's review of the report of the Commission on its fiftieth session.

31. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution without a vote.

32. It was so decided.

Draft resolution on respect for the right of everyone to own property alone as well as in association with others (E/CN.4/1994/L.21)

33. Mr. KUEHL (United States of America) said that protection of the right to own property helped to ensure the free and full participation of individuals in their own economic and social development. His delegation was certain that the independent expert's study (E/CN.4/1994/19 and Add.1) would make a great contribution to the understanding and observance of that connection.

34. Although his Government believed that the subject of the independent expert's work was of great importance, it also believed that there was a need for discipline and coherence in the overall work of the Commission. The most useful studies proposed by the Commission were those which had a clear purpose and a definite end. His delegation had therefore consistently supported proposals to maintain the number of studies before the Commission to a manageable level by reducing their number and mandating a definite deadline for their completion. Consequently, according to the draft resolution, the Commission would conclude its consideration of that matter since the independent expert had ably fulfilled his mandate and it was time for the Commission to direct its attention elsewhere. He hoped that the draft resolution would be adopted by consensus.

35. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Costa Rica, Cyprus, Ecuador, Germany and Poland and the observers for Argentina and the Philippines had become sponsors of the draft resolution.

36. Mrs. FERRIOL ECHEVARRIA (Cuba) said that her delegation wished to place on record its gratitude to the independent expert for the substantial contribution he had made to the study on the right of everyone to own property. It would have liked him to continue the study, which it considered to be of great importance.

37. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution without a vote.

38. It was so decided.

Draft resolution on the question of trade union rights (E/CN.4/1994/L.22)

39. Ms. WENSLEY (Australia), introducing the draft resolution on behalf of its sponsors, said that her country attached great importance to the role which trade unions could play in the protection and promotion of human rights and fundamental freedoms with respect to both the actual protection of human rights and efforts to achieve social justice. She thus commended the draft resolution to the Commission and hoped that, as in previous years, it could be adopted without a vote.

40. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of France, Germany, Hungary, Netherlands, Tunisia, Uruguay and Venezuela and the observers for Argentina and Portugal had become sponsors of the draft resolution.

41. Mr. GANAPATHY (Malaysia) said that his delegation, which had not been consulted concerning the draft resolution, was not certain that a similar resolution had, in fact, been adopted the previous year. Moreover, he found such a resolution irrelevant to the Commission's work. The Commission was not competent to consider questions relating to workers' rights and industrial relations, a task reserved for the International Labour Organisation.

42. Mrs. FERRIOL ECHEVARRIA (Cuba) proposed that the word "interdependent" be inserted after the word "indivisible" in the first preambular paragraph so as to bring it into line with the language of the Vienna Declaration and Programme of Action.

43. Ms. WENSLEY (Australia), replying to the representative of Malaysia, said that the Commission had been dealing with the question of trade-union rights for 10 years. Since the question had been biennialized, however, it had not been addressed at the forty-ninth session. She could assure the representative of Malaysia that, as usual, the draft resolution had been elaborated in close consultation with the International Labour Organisation (ILO).

44. Mr. KHOURY (Syrian Arab Republic) proposed that the words "trade unions can contribute" in the ninth preambular paragraph be replaced by the more emphatic formulation "trade unions are contributing".

45. Mr. STEEL (United Kingdom) suggested, with reference to the Cuban amendment to the first preambular paragraph, that the wording "all human rights are universal, indivisible, interdependent and interrelated" would be an even more faithful reflection of the Vienna Declaration and Programme of Action.

46. Mr. GANAPATHY (Malaysia) said that his delegation, too, had difficulty with the first preambular paragraph. It supported the United Kingdom amendment but felt that it would be sufficient to end the sentence after the word "interrelated". The remainder of the paragraph was superfluous and tendentious. He could not support the Syrian amendment to the ninth preambular paragraph, for experiences differed as to whether trade unions did or did not make a contribution. If "can contribute" were replaced by "could contribute", that might be the most realistic formulation for the paragraph.

47. The meaning of the words "all persons" in operative paragraph 1 were not entirely clear to him, since he did not see how self-employed persons could be brought under the jurisdiction of States or trade unions.

48. Ms. WENSLEY (Australia) said that the amendment proposed by the United Kingdom - based on the Cuban proposal - was acceptable to her own delegation and to that of Cuba. She hoped that the other sponsors would be able to accept it also. As for the Malaysian proposals, she said that the language of the first preambular paragraph was a standard formula and should preferably be retained. The words "can contribute" in the ninth preambular paragraph had been very carefully chosen so as not to appear categorical. They represented a middle ground between the Syrian and Malaysian proposals. Operative paragraph 1 was, she thought, self-explanatory and she could not provide any further clarification.

49. The CHAIRMAN, noting that the sponsors had accepted all the proposed amendments except the deletion suggested by Malaysia in the first preambular paragraph, invited the delegations of Australia and Malaysia to hold informal consultations before the Commission proceeded to a vote.

Draft resolution III on human rights and extreme poverty, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

50. The CHAIRMAN said that the draft resolution submitted by the Sub-Commission had been superseded by the adoption of draft resolution E/CN.4/1994/L.20 on human rights and extreme poverty.

Draft resolution IV on promoting the realization of the right to adequate housing, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

51. Mr. VERGNE SABOIA (Brazil) proposed that operative paragraph 5 of the draft resolution be deleted. Provision for the Sub-Commission's Special Rapporteur to visit States would be a duplication of efforts, for ample mechanisms and procedures were already in place.

52. It was so decided.

53. Mr. LEBAKINE (Acting Secretary of the Commission) said that the administrative and programme budget implications of draft resolution IV fell within the scope of perennial activities and resources would therefore be provided from within existing provisions for the mandate of the Economic and Social Council under section 1 on human rights of the approved programme budget for the biennium 1994-1995.

54. Draft resolution IV, as amended, was adopted without a vote.

Draft decision 7 on the human rights dimensions of population transfer, including the implantation of settlers and settlements, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

55. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resources required to implement the request contained in paragraph (d) of the draft decision were estimated at US$ 18,000 for 1994.

56. Mr. CHAKRAVARTI (India) proposed that, after the words "on-site visits" in paragraph (d) of the draft decision, the words "with the consent of States" should be inserted.

57. It was so decided.

58. Draft decision 7, as amended, was adopted without a vote.

Draft decision 9 on human rights and income distribution, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

59. The CHAIRMAN said that the Commission would take no action on that draft decision until after it had voted on draft resolution E/CN.4/1994/L.18, concerning which consultations were still being held. Explanations of votes on the draft resolutions under agenda item 7 would be deferred until the Commission had taken action on the two outstanding resolutions.

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/L.28)

60. The CHAIRMAN said that consultations were still taking place on that draft resolution. Voting on it would therefore be deferred.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1994/L.16 and L.19)

Draft resolution on the status of the International Covenants on Human Rights (E/CN.4/1994/L.16)

61. Mr. HJELDE (Observer for Norway), introducing the draft resolution on behalf of its sponsors, said that it was based on the resolution adopted without a vote by the Commission at its forty-ninth session and took into account the recommendations of the World Conference on Human Rights. He drew attention to the fifth preambular paragraph welcoming the significant increase in the number of States which had acceded to the International Covenants on Human Rights and noting that many States Members had not yet become parties. He also stressed operative paragraphs 2 to 13. It was his understanding that operative paragraph 16 would be implemented in accordance with established standard procedure. He hoped that the resolution would be adopted without a vote.

62. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Cameroon, Cyprus, Germany, Peru and the Republic of Korea and the observers for Argentina, Ireland and Sweden had become sponsors of the draft resolution. The estimated cost of implementing the request contained in operative paragraph 16 was US$ 21,500 for 1994.

63. Ms. BUCK (Canada) said that her delegation had also become a sponsor of the draft resolution.

64. Draft resolution E/CN.4/1994/L.16 was adopted without a vote.

Draft resolution on the succession of States in respect of international human rights treaties (E/CN.4/1994/L.19)

65. Mr. BOITCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that they had decided to delete the words "the issue of" in operative paragraph 3. However successor States felt about other treaties, human rights treaties were universal in character and conferred no particular benefits on the contracting parties. Their provisions must therefore remain in effect for the sake of the people of those successor States. He hoped that the resolution would be adopted without a vote.

66. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Cameroon, Canada, France, Germany, the United States of America and the observers for Belgium, Greece and Latvia had become sponsors of the draft resolution.

67. Mr. GARRETON (Chile), speaking in explanation of vote before the voting, said that his delegation would join the consensus but believed that confirmation was not strictly necessary. Human rights treaties created two types of bond, one between States and other States and another between States and their peoples. Consequently, succession did not imply the discontinuation of rights recognized in international instruments accepted by a predecessor State.

68. Draft resolution E/CN.4/1994/L.19, as orally revised, was adopted without a vote.

69. Mr. EICHER (United States of America) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.16 on the understanding that the cost of implementing the request contained in paragraph 16 would be absorbed within existing budgetary resources.

70. The CHAIRMAN said that the Commission had thus completed item 15 of its agenda.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1994/L.24)

Draft resolution on effective functioning of bodies established pursuant to United Nations human rights instruments (E/CN.4/1994/L.24)

71. Mr. KESSEL (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Brazil, France, Hungary and the Netherlands and the observers for New Zealand, Portugal and Sweden, said that the effective functioning of the United Nations treaty bodies was the cornerstone of the human rights system and the Member States had for years been expressing concern about the funding problems of the Committee against Torture and the Committee on the Elimination of Racial Discrimination. Consequently, the General Assembly's request to the Secretary-General to take appropriate steps to provide for the financing of those bodies out of the regular budget of the United Nations had been a positive development for the promotion and protection of human rights.

72. Draft resolution E/CN.4/1994/L.24 made a number of suggestions regarding the problem of the non-submission of initial reports and the growing number of overdue reports. Following discussions with various members of the Commission, the sponsors had made several changes to the text. In operative paragraph 2, the word "outstanding" should be inserted in the second line between the words "their" and "financial", the words "including their arrears" in the second line and the words "until the amendments enter into force" in the fifth line being deleted. At the beginning of operative paragraph 7 (b), the word "Recommending" should be inserted. In the first line of operative paragraph 7 (d), the word "global" should be replaced by the words "single comprehensive" and the word "comprehensive" in the second line deleted. Operative paragraph 8 (c) and operative paragraph 9 should be deleted and replaced by "Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical

assistance;" and "Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties significantly delinquent in their reporting obligations", respectively.

73. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Cameroon, Costa Rica and the United States of America and the observer for the Czech Republic had become sponsors of the draft resolution.

74. Mrs. FERRIOL ECHEVARRIA (Cuba) proposed the insertion, at the end of operative paragraph 6 of the Spanish version, of the words "en materia de derechos humanos" between "Naciones Unidas" and "incluidos" to make it clear that the relevant United Nations bodies cited were those active in the field of human rights.

75. Ms. KUNADI (India) said that the word "delinquent" in the new version of operative paragraph 9 was too subjective, and she proposed to amend the text to "... States parties which have not been able to comply with their reporting obligations".

76. Mr. DON NANJIRA (Kenya) said he had the same objection to the use of the word "delinquent" as the previous speaker and proposed the wording: "... States parties which have consistently failed to comply with their reporting obligations".

77. Mr. KESSEL (Canada) said that he had no objection to either the Indian amendment or the Kenyan amendment. With regard to the change in the Spanish text suggested by the representative of Cuba, he said that the previous year's resolution, resolution 1993/16, had used identical language in English. If there was a discrepancy between the Spanish versions of the two resolutions, then the current draft resolution could be brought into line with the text of resolution 1993/16.

78. Ms. KUNADI (India) said that, while her delegation was able to support the proposed Kenyan amendment, a better wording might be: "... States parties which have been consistently unable to comply with their obligations".

79. Mr. KHOURY (Syrian Arab Republic) said that his delegation could support either of the Indian proposals.

80. Mr. PEREZ NOVOA (Cuba) said that the text of the corresponding paragraph of resolution 1993/16 was, indeed, identical with that of operative paragraph 6 of the draft resolution. In the latter, however, his delegation wanted to make the reference to the human rights bodies more specific.

81. Mr. KESSEL (Canada) said that he agreed with the delegation of India that the wording should be neutral. His delegation could accept the Kenyan amendment, but would prefer the more neutral wording "... States parties which have not complied with their reporting obligations", to the Indian version: "States parties which have not been able to comply with their reporting obligations".

82. As for the comment by the representative of Cuba, the words "relevant United Nations bodies" in the English version of operative paragraph 6 were understood as meaning the treaty bodies. During the discussions on the draft resolution, there had been proposals to refer to system-wide consultations, as had been done at the World Conference on Human Rights, but it had been felt that the language contained in resolution 1993/16 would be more acceptable.

83. Mr. YOUNAS KHAN (Pakistan) suggested that, for the sake of clarity, the delegations concerned should discuss the proposed changes further and produce written amendments that the Commission could consider at a later stage.

84. The CHAIRMAN agreed with the Pakistani suggestion and said that the Commission would resume its consideration of draft resolution E/CN.4/1994/L.24 at its next meeting.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (continued) (E/CN.4/L.25)

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/L.25)

85. Mr. HELLER (Mexico) introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Nigeria and Tunisia and the observer for Senegal, said that its purpose was to draw the attention of the international community to the situation of migrant workers and members of their families and to the urgent need to protect their human rights and improve their living conditions in the host countries. It was to be hoped that, as in previous years, the draft resolution would be adopted by consensus.

86. The representative of the United States of America requested that the draft resolution be put to the vote.

87. At the request of the representative of Mexico, the vote was taken by roll-call.

88. Peru, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: None.

Abstaining: Australia, Austria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Malaysia, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

89. Draft resolution E/CN.4/1994/L.25 was adopted by 39 votes to none, with 13 abstentions.

90. Mr. FLÜGGER (Germany) said that his delegation would have preferred operative paragraph 3 of the draft resolution to be more along the lines of paragraph 35 of the Vienna Declaration and Programme of Action, which read: "invites States to consider the possibility of signing and ratifying, at the earliest possible time, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families".

91. The CHAIRMAN said that the Commission had completed item 13 of its agenda.

The meeting rose at 12.55 p.m.